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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,386	01/22/2004	Hideaki Funakoshi	040894-5994	3093
9629 7590 04/28/2009 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				
EXAMINER				
CHOW, VAN NGUYEN				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/761,386

Applicant(s)

FUNAKOSHI ET AL.

Examiner

VAN N. CHOW

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/17/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/17/2009 has been entered.

Response to Arguments

2. Applicant's arguments filed 02/20/2009 have been fully considered but they are not persuasive.

Applicant argued Nakamura does not teach the limitations "the wires are fixed at portions that do not overlap each other as viewed from a direction orthogonal to an extending direction of the wires", which is incorrect. Nakamura, Figs. 6 and 8, discloses the wires are fixed at portions that do not overlap each other as viewed from a direction orthogonal to an extending direction of the wires", wherein all the directions circle around the attaching means (those back dots) as viewed from "a direction orthogonal" to an extending direction of the of the wires. Among all the directions orthogonal to an extending direction of the wires, there is one direction Y, wherein the extending direction is X direction, which has "a portion" of the wires are fixed at the portions that do not overlap other as viewed from orthogonal to an extending direction of the wires (see fig. 8, where the fixed portions of L1 and L2 are difference, do not overlap each other).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2-4 and 7 rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (JP 2002-298402).

Regarding claim 2, Nakamura discloses an optical pickup comprising:

a lens (see Fig. 7, lens 26);

a fixing portion (see Fig. 8, relay board 29);

at least two pairs of wires (see Figs. 7 and 8, four wires 30);

attaching means (see Fig. 8, those black dots);

wherein the lens is resiliently supported in such a manner as to be displaceable by the at least two pairs of wires which are attached to the fixing portion by the attaching means (see Figs. 7 and 8);

the wires have the same length and are fixed to the lens at different distances from the attaching means (see Fig. 8, lengths L1, L2 and L3);

the wires extend parallel to each other (see Figs. 7 and 8, four wires 30);

the wires are fixed at portions that do not overlap each other as viewed from a direction orthogonal to an extending direction of the wires (see response above).

Regarding claim 3, discloses the optical pickup according to claim 2, wherein the wires are formed of the same material (see Figs. 7-8, which is inherent).

Regarding claim 4, discloses the optical pickup according to claim 2, further comprising:

a lens holder holding the lens (see Figs. 7-8, lens holder 27); and

a substrate secured to the lens holder (see Figs. 7 and 8, printed circuit board 33);

wherein the wires are soldered to the substrate (see Fig. 8, the black dots on the circuit board 33).

Regarding claim 7, see rejection above of claim 2.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (JP 2002-298402) in view of Haruguchi et al. (US 2003/0016597).

Regarding claim 1, Nakamura discloses an optical pickup comprising:

a lens holder holding a lens (see Figs. 7 and 8, lens holder 27);

a substrate secured to the lens holder (see Figs. 7 and 8, printed circuit board 33);

a fixing portion (Fig. 8, relay board 29);

two pairs of first and second wires, each pair being formed by one left wire and one right wire (see Figs. 7 and 8, four wires 30); and

attaching means (see Fig. 8, those black dots);

wherein the lens holder is resiliently supported in such a manner as to be displaceable by the two pairs first and second wires which are attached to the fixing portion by the attaching means (see Figs. 7 and 8); and

the first, and second wires have the same length and are formed of the same material, and are soldered to the substrate at different distances from the attaching means (see Fig. 8, lengths L1, L2 and L3);

the first, and second wires extend parallel to each other (see Figs. 7 and 8, four wires 30); and

the first, second, and third wires are soldered at portions that do not overlap each other as viewed from a direction orthogonal to an extending direction of the first, second, and third wires (see response above).

However, Nakamura does not disclose three pair of wires, but two pair of wires are being formed by one left wire and one right wire which are the same length and are formed of the same material, and are soldered to the substrate at the differences distances from the attaching means (see Figs. 7 and 8).

Haruguchi et al. discloses Fig. 4 three pair of wires (suspension wires 39) are being formed by one left wire and one right wire, wherein one ends of suspension wires 39 are bonded to substrate 37, and substrate 38 with a solder or the like (see [0064]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide three pair of wires in Nakamura as suggested by Haruguchi, the motivation being in order to be able to supply power to each of the focus coils and serially connected tracking coils (see Haruguchi [0065]).

Allowable Subject Matter

7. Claims 5-6 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is (571)272-7590. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Van N. Chow/

Examiner, Art Unit 2627